

RESOLUTION NO. 220474

Conditional Use Permit No. 512-PC

MAR 14 1978

WHEREAS, CHRIST EVANGELICAL LUTHERAN CHURCH, Owner, hereafter referred to as "Permittee," filed an application under Conditional Use Permit No. 512-PC, to construct and operate a senior-citizen-housing project of 48 units in eight multi-story buildings with parking and landscaping on 27,000 square feet in the C Zone, located on the west side of Cass Street, between Chalcedony and Law Street, in the Mission-Pacific Beach Community Plan area, more particularly described as Lots 17-24, Block 114, Pacific Beach; and

WHEREAS, on January 26, 1978, the Planning Commission of The City of San Diego made its finding of facts which are set forth in Resolution No. 1153, recommended approval of said conditional use permit, and filed the decision in the office of the City Clerk on February 7, 1978; and

WHEREAS, on February 14, 1978, pursuant to the provisions of Section 101.0506 of the San Diego Municipal Code, JACK and JOANN CANNON, TOM M. MOWRY, C. KARK and GEORGE CONSIGHI appealed the decision of the Planning Commission; and

WHEREAS, said appeal was set for public hearing on March 14, 1978; and

WHEREAS, the Council of The City of San Diego received for its consideration documentary, written and oral testimony and heard from all interested parties present at the public hearings; NOW, THEREFORE,

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BE IT RESOLVED, by the Council of The City of San Diego,
as follows:

All of the following facts exist with respect to Conditional
Use Permit No. 512-PC:

1. The proposed elderly housing development at this location
would be necessary and desirable to provide a service or facility
contributing to the general well-being of the neighborhood and
community.

The proposed use would provide 48 units of housing for
elderly persons. This use would conform to the City's adopted
Balanced Community Policy which recommends that facilities for
senior citizens be available in all areas of the City so as
to provide the option for elderly persons to remain in the
neighborhood of their choice.

2. The proposed use would not be detrimental to the health,
safety or general welfare of persons living or working in the
area, nor be injurious to property or improvements, either
existing or future, in the area.

The subject property is located within an area of the
Pacific Beach community developed with mixed residential,
institutional and commercial uses. The proposed housing facility
would be compatible with these adjacent land uses.

3. The proposed elderly housing facility would comply with
regulations and conditions specified in the Municipal Code for
such use.

The proposed development would be consistent with the
development regulations of the underlying C Zone and other
regulations of the Municipal Code for such use.

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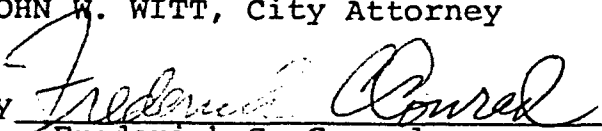
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4. The granting of this conditional use permit would not adversely affect the General Plan of the City nor the adopted Mission-Pacific Beach Community Plan.

The adopted General Plan and Mission-Pacific Beach Community Plan designate the subject property for low-medium and medium density residential development. The proposed development would be compatible with these designations.

BE IT FURTHER RESOLVED, that the appeal of JACK and JOANN CANNON, TOM M. MOWRY, C. KARK and GEORGE CONSIGHI is denied, and this Council does hereby grant to CHRIST EVANGELICAL LUTHERN CHURCH, Conditional Use Permit No. 512-PC, in the form and with the terms and conditions as set forth in the permit attached hereto and made a part hereof.

APPROVED: JOHN W. WITT, City Attorney

By 
Frederick C. Conrad
Chief Deputy City Attorney

FCC:clh
3/23/78
Or.Dept.:Clerk

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CONDITIONAL USE PERMIT NO. 512-PC

CITY COUNCIL

This conditional use permit is granted by the Council of The City of San Diego to CHRIST EVANGELICAL LUTHERAN CHURCH, Owner, hereafter referred to as "Permittee," for the purposes and under the terms and on the conditions as set out herein, pursuant to the authority contained in Section 101.0507 of the San Diego Municipal Code.

1. Permission is hereby granted to Permittee to construct and operate a 48-unit, elderly housing project located on the west side of Cass Street, between Chalcedony and Law Streets described as Lots 17-24, Block 114, Pacific Beach, Map #932, in the C Zone.

2. The elderly housing facility shall include, and the term "Project" as used in this Conditional Use Permit shall mean the total of the following facilities:

- a. 48 one-bedroom, elderly housing units.
- b. Offstreet parking.
- c. Incidental accessory uses as may be determined and approved by the Planning Director.

3. Not less than 16 offstreet parking spaces shall be provided and maintained on the subject property in the approximate location shown on Exhibit "A," dated January 26, 1978, on file in the office of the Planning Department. Each parking space shall be a minimum of 8-1/2 feet by 20 feet in size and shall not be converted for any other use. Areas and driveways shall

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be marked. Parking spaces and aisles shall conform to Planning Department standards. No charge shall be made at any time for the use of these offstreet parking spaces.

4. The subject property shall be maintained in a neat and orderly fashion at all times.

5. The Planning Department shall review the parking situation one year from date of issuance of the building permit.

6. One member of each household shall be at least 62 years of age.

7. The Permittee shall comply with the General Conditions for Conditional Use Permits attached hereto and made a part hereof.

Adopted by the Council of The City of San Diego on March 14, 1978.

FCC:clh
5/16/78
Or.Dept.:Clerk

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GENERAL CONDITIONS FOR CONDITIONAL USE PERMITS

1. Prior to the issuance of any building permits, complete building plans (including signs) shall be submitted to the Planning Director for approval. Plans shall be in substantial conformity with Exhibit A, dated January 26, 1978, on file in the office of the Planning Department. The property shall be developed in accordance with the approved building plans except where regulations of this or other governmental agencies require deviation therefrom. Prior to and subsequent to the completion of the project, no changes, modifications or alterations shall be made unless and until appropriate applications for amendment of this permit shall have been approved and granted.

2. Prior to the issuance of any building permits, a complete landscaping plan, including a permanent watering system, shall be submitted to the Planning Director for approval. Said plans shall be in substantial conformity with Exhibit A, dated January 26, 1978, on file in the office of the Planning Department. Approved planting shall be installed prior to the issuance of an occupancy permit on any building. Such planting shall not be modified or altered unless and until this permit shall have been amended to permit such modification or alteration.

3. All outdoor lighting shall be so shaded and adjusted that the light therefrom is directed to fall only on the same premises where such light sources are located.

4. Substantial construction of the project shall have commenced and shall be proceeding within 18 months from the effective date of this conditional use permit or any extension of time as may be granted herein by The City of San Diego pursuant to the terms set forth in Section 101.0507 and Section 101.0508 of the San Diego Municipal Code.

5. Construction and operation of the approved use shall comply at all times with the regulations of this or other governmental agencies.

6. The effectiveness of this conditional use permit is expressly conditioned upon, and the same shall not become effective for any purpose unless and until the following events shall have occurred:

a. Permittee shall have agreed to each and every condition hereof by having this conditional use permit signed within 90 days of the Council's decision. In no event shall this condition be construed to extend the time limitation set forth in 4 above; i.e., the time commences to run on the date that the City Council granted this conditional use permit.

b. This conditional use permit executed as indicated shall have been recorded in the office of the County Recorder.

7. After the establishment of the project as provided herein, the subject property shall not be used for any other purposes unless specifically authorized by the Planning Commission, or

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City Council, or both unless the proposed use meets every requirement of zone existing for the subject property at the time of conversion.

8. The property included within this conditional use permit shall be used only for the purposes and under the terms and conditions as set forth in this permit unless the permit shall have been revoked by The City of San Diego.

9. In addition to any other remedy provided by law, any breach in any of the terms or conditions of this permit or any default on the part of Permittee or its successors in interest, shall be deemed a material breach hereof and this conditional use permit may be cancelled or revoked. Cancellation or revocation of this conditional use permit may be instituted by City or Permittee. The Planning Director shall set this matter for public hearing before the Planning Commission giving the same notice as provided in Section 101.0506. An appeal from the decision of the Planning Commission may be taken to the City Council within ten days after the decision is filed with the City Clerk. The Clerk shall set the matter for public hearing before the City Council giving the same notice as provided in Section 101.0506.

10. This conditional use permit shall inure to the benefit of and shall constitute a covenant running with the lands, and the terms, conditions and provisions hereof shall be binding upon Permittee, and any successor or successors thereto, and the interests of any successor shall be subject to each and every condition herein set out.

Acknowledgment

STATE OF CALIFORNIA) ss
COUNTY OF SAN DIEGO)

On this _____ day of _____, 19____, before
me, the undersigned, a Notary Public in and for said County and
State, personally appeared _____,
known to me to be the _____ and
_____ known to me to be the
of _____

_____ the corporation that executed the within instrument and known
to me to be the persons who executed the same on behalf of said
corporation and acknowledged to me that said corporation
executed the same, pursuant to its bylaws or a resolution of
its Board of Directors.

WITNESS my hand and official seal.
(Notary Stamp)

Notary Public in and for the County
of San Diego, State of California

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Passed and adopted by the Council of The City of San Diego on _____
by the following vote:

Councilmen	Yeas	Nays	Excused	Absent
Bill Mitchell	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Maureen F. O'Connor	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Bill Lowery	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Leon L. Williams	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Fred Schnaubelt	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Tom Gade	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Larry Stirling	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jess D. Haro	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mayor Pete Wilson	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

AUTHENTICATED BY:

PETE WILSON
Mayor of The City of San Diego, California.

CHARLES G. ABDELNOUR
City Clerk of The City of San Diego, California.

By *Charles G. Abdelnour*, Deputy.

(Seal)

to
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SAN DIEGO, CALIF.

Office of the City Clerk, San Diego, California	
Resolution Number 220474	Adopted MAR 14 1978